

AO 91 (Rev. 11/11) Criminal Complaint

**FILED**  
 UNITED STATES DISTRICT COURT  
 ALBUQUERQUE, NEW MEXICO

NOV 4 2019

MITCHELL R. ELFERS  
 CLERK

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America )

v. )

ANTHONY ONTIVEROS )

Case No.

19-MJ-3974

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 4, 2019 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:

## Code Section

## Offense Description

Title 21 USC § 841(a)(1) &amp;(b)(1)(B)

Possession with intent to distribute methamphetamine and distribution of methamphetamine

Title 21 U.S.C. § 846

Conspiracy to possess with the intent to distribute methamphetamine and distribution methamphetamine

This criminal complaint is based on these facts:

See attached.

☒ Continued on the attached sheet.


Complainant's signature

TFO J. PELOT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/04/2019


Judge's signature

City and state: Albuquerque, NM

US Magistrate Judge John F. Robbenhaar

Printed name and title

**AFFIDAVIT**

Your Affiant, Jerrod Pelot, having been first duly sworn, does hereby depose and state as follows:

1. Your Affiant is currently assigned as a Task Force Officer employed by the Albuquerque Police Department since March of 2008 and assigned to the Federal Bureau of Investigation (FBI). I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). Your Affiant has been assigned to the FBI since May of 2016. Your Affiant is currently assigned to the Albuquerque Field Office, Safe Streets Task Force, which investigates Narcotics and Gang crimes.

**AFFIANT TRAINING AND EXPERIENCE**

2. I have been a law enforcement officer since 2008 and am currently employed by the Albuquerque Police Department and assigned to the Federal Bureau of Investigation (FBI) as a Task Force Officer. During my time in law enforcement, I have served in the capacity of Officer, Detective, Task Force Officer and Special Deputy U.S. Marshal. I have received hundreds of hours of formal training in the areas of gang and drug investigations from the federal, state, and local law enforcement agencies.
3. During my law enforcement career I have participated in hundreds of investigations involving narcotics violations, firearms violations, fugitives, property crimes, money laundering/financial crimes, gang crimes/activities and the investigation of criminal enterprises. My investigative experience includes, but is not limited to, conducting surveillance, interviewing subjects, targets, witnesses, writing affidavits for and executing search and arrest warrants, acting in an undercover capacity, supervising cooperating sources, managing undercover agents, issuing administrative subpoenas, analyzing phone records, analyzing financial records, utilizing data derived from pen registers, trap and trace devices. Through my training and experience, I am familiar with the methods and means used by individuals and drug trafficking organizations to purchase, transport, store, and distribute controlled substances. I am also familiar with how those individuals and organizations hide the often substantial profits generated from their criminal activities.

**PROBABLE CAUSE**

**UC Buy Walk Operation #1**

4. On August 21, 2019, investigators with the New Mexico Region 2 Narcotics Task Force and the Albuquerque Division of the FBI instructed a confidential source (CS) to call ONTIVEROS and order methamphetamine. The CS called ONTIVEROS and placed an order for one pound of methamphetamine. The CS and his/her vehicle were searched for contraband with negative results. The UC and CS were then provided with a covert recording device and the UC was provided with \$4,300.00 in operational funds. The CS continued to communicate with ONTIVEROS over the phone and arranged to meet at a restaurant in Albuquerque, New Mexico.

5. The CS and UC drove to the meet location in the CS's vehicle and made contact with ONTIVEROS, who was the sole occupant in his vehicle. The CS and UC then followed ONTIVEROS to multiple other locations in Albuquerque in order for ONTIVEROS to change vehicles (ONTIVEROS is known to use multiple vehicles to traffic methamphetamine) and to evade law enforcement. ONTIVEROS changed vehicles to a gray Chrysler 300 bearing New Mexico license plate AKRY79. At the final stop, the CS and UC got into ONTIVEROS' vehicle. In the vehicle, ONTIVEROS sold the UC and CS 438.5 grams of a crystal-like substance for \$4,300. The substance field-tested positive for the presence of methamphetamine.

#### **UC Buy Walk Operation #2**

6. On September 3, 2019, investigators with the New Mexico Region 2 Narcotics Task Force and the Albuquerque Division of the FBI instructed a CS to call ONTIVEROS and order methamphetamine. The CS called ONTIVEROS, placed an order for one pound of methamphetamine, and agreed to meet in Albuquerque for the buy. The call was witnessed by an UC. The UC was then provided with a covert recording device and \$5,000.00 in operational funds. The CS and his/her vehicle were searched for contraband with negative results. The CS continued to communicate with ONTIVEROS over the phone as they drove to the meeting location in the CS' vehicle.
7. After the meeting was arranged, agents/TFOs established surveillance at the SUBJECT PREMISES. ONTIVEROS advised the CS that he would be at the meeting location shortly. Agents/TFOs positively identified ONTIVEROS as he exited the SUBJECT PREMISES, entered a black Hyundai sedan registered to him, and left the area. Surveillance was maintained on ONTIVEROS as he traveled to the meeting location and made contact with the UC and CS. At the meet location, the UC and CS got into ONTIVEROS' vehicle. In the vehicle, ONTIVEROS sold the UC and CS approximately 491.8 grams of a crystal-like substance inside of a clear food saver heat-sealed bag for \$5,000.00. The substance field-tested positive for the presence of methamphetamine.

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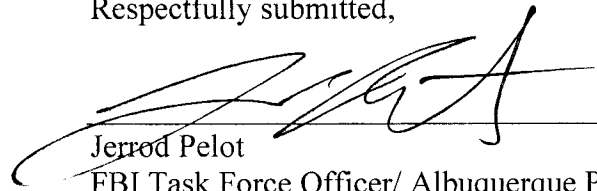
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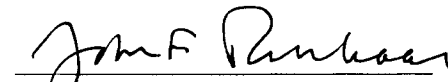
**CONCLUSION**

8. Based on the aforementioned information, there is probable cause to believe that Anthony ONTIVEROS committed violations of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), that being distribution of methamphetamine.

Respectfully submitted,

  
Jerrod Pelot  
FBI Task Force Officer/ Albuquerque Police  
Dept.

Subscribed and sworn to before me on  
November 4, 2019:

  
Hon. John. F. Robbenhaar  
United States Magistrate Judge